

STATUS REPORT TO THE TWENTY-FIRST LEGISLATURE

2002 REGULAR SESSION

from the

Task Force on Beach and Water Safety

Prepared by the

Department of Land and Natural Resources  
in Conjunction with the  
Task Force on Beach and Water Safety

in response to

Act 190, Session Laws of Hawaii 1996  
as amended by  
Act 101, Session Laws of Hawaii 1999

December 2001

This status report has been prepared for submittal to the Legislature pursuant to a provision in Act 190, Session Laws of Hawaii (SLH) 1996, as amended by Act 101, SLH 1999, mandating annual reporting through 2003.

Act 190, SLH 1996, establishes a process for the State and Counties to provide both meaningful and legally adequate warnings to the general public of extremely dangerous natural conditions in ocean areas adjacent to their respective public beach parks. The Act recognizes a duty to warn specifically of dangerous shorebreak or strong current in the ocean fronting a beach park, if either condition exists, is extremely dangerous, is typical for that beach park, and poses a risk of serious injury or death.

Act 190, SLH 1996, clarifies that the State and Counties have no duty to warn of dangerous natural conditions at beaches, beach/coastal accesses or areas that are not public beach parks.

Act 190, SLH 1996, provides for a process, including record keeping, to replace vandalized, removed or illegible warning signs.

Act 190, SLH 1996, is exempted from the requirements of Chapter 91, Hawaii Revised Statutes.

Act 190, SLH 1996, calls for the formation of a Task Force on Beach and Water Safety to advise the Chairperson of the Board of Land and Natural Resources prior to the Chairperson making a decision on the design and placement of warning signs erected pursuant to this Act.

The Task Force on Beach and Water Safety was convened after water safety officer participants were solicited via their respective County Mayors and formally appointed by Governor Benjamin Cayetano pursuant to Act 190, SLH 1996. Other Task Force members were seated by their government position as provided in the Act.

Act 101, SLH 1999, amended Act 109, SLH 1996, by extending its mandate through June 30, 2003.

The Task Force members are:

Gilbert S. Coloma-Agaran (Task Force Chairperson), Chairperson, Board of Land and Natural Resources

Seiji Naya, Director, Department of Business, Economic Development and Tourism

Michael Mottl, Chair, Dept. of Oceanography, University of Hawaii

Marian Feenstra, Chief, Aquatics Division, Department of Parks and Recreation, County of Maui

Kaleo Hookano, Water Safety Officer III, Division of Parks and Recreation, Department of Public Works, County of Kauai

Ralph Goto, Director, Ocean Safety & Lifeguard Services Division, Department of Emergency Services, City and County of Honolulu

Larry Davis, Program Administrator, Aquatics Division, Department of Parks and Recreation, County of Hawaii

Designees are:

Daniel S. Quinn (for Gilbert S. Coloma-Agaran), Administrator, Division of State Parks, Department of Land and Natural Resources

Richard Grigg (for Michael Mottl), Marine Biologist, Department of Oceanography, University of Hawaii

Since late 1996, as reported previously, the Task Force has accomplished the following:

- designed signs to warn of "strong current" and "dangerous shorebreak"
- prepared guidelines for permanent sign placement

- placed "strong current" and "dangerous shorebreak" signs, where warranted, at state and county beach parks
- designed signs to warn of other extremely dangerous natural conditions in the ocean adjacent to a public beach park:
  - high surf
  - waves break on ledge
  - sudden drop-off
  - slippery rocks
  - man-o-war
  - jellyfish
  - sharp coral
  - shark sighted
  - rip currents
- prepared guidelines for temporary sign placement

Since last reporting in December 2000, the Task Force has not held any meetings, pending preparation of a pilot comprehensive signage plan. Efforts to come up with such a proposal by one or more of the water safety agencies is ongoing, but is progressing slowly due to limited staffing and agency priorities.

The Task Force continues to feel strongly that the overall effort is at a crossroads, as the legislative concerns of A) slow implementation, and B) an assessment on the impact of signage, need to be viewed in light of the fact that the Task Force's work is an unfunded effort. Therefore, the Task Force urges the Legislature to consider providing appropriations for the various activities sought in its Statement of Funding Needs, attached as Appendix 1.

APPENDIX 1

TASK FORCE ON BEACH AND WATER SAFETY  
STATEMENT OF FUNDING NEEDS

The following preliminary funding needs have been identified:

Environment Hazard Assessment	\$10,000.00
Beach User Profile (Demographic Analysis)	5,000.00
Injury Prevention Strategic Planning	5,000.00
Signage	5,000.00
Education and Prevention Activities	
Video Production	10,000.00
Brochures (Printing 100,000 ea)	10,000.00
Information Boards for Lifeguard Towers	10,000.00
Beach Rating System	25,000.00
Evaluation	<u>10,000.00</u>
Total	\$90,000.00